

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

CURTIS EDWARD MOODY,

Plaintiff,

v.

CIVIL ACTION NO. 5:24-cv-00539

LELAND DUDEK,

Defendant.

ORDER

Pending are (1) Plaintiff's Brief and associated request for remand [ECF 8], filed December 27, 2024, and (2) Defendant's Brief and associated request to affirm the decision of the Commissioner [ECF 11], filed March 3, 2025. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). [ECF 3]. Magistrate Judge Aboulhosn filed his PF&R [ECF 13] on March 17, 2025. Magistrate Judge Aboulhosn recommended the Court deny Plaintiff's request for remand [ECF 8], grant Defendant's request to affirm the Commissioner's final decision [ECF 11], affirm the Commissioner's final decision, and dismiss the matter from the docket. [ECF 13 at 1–2].

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's

right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on April 3, 2025. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 13], **DENIES** Plaintiff’s request for remand [ECF 8], **GRANTS** Defendant’s request to affirm the Commissioner’s final decision [ECF 11], **AFFIRMS** the Commissioner’s final decision, and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: April 21, 2025



Frank W. Volk
Frank W. Volk
Chief United States District Judge